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[Notices]

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2008-0136]

Privacy Act of 1974; Department of Homeland Security General

Training Records System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of Privacy Act system of records.

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SUMMARY: In accordance with the Privacy Act of 1974, the Department of

Homeland Security is giving notice that it proposes to update one

record system titled, DHS/ALL-003 Department of Homeland Security

General Training Records. Categories of individuals, categories of

records, routine uses, and exemptions of this system of records notice

have been updated to better reflect the Department's updated general

training record systems. Additionally, the Department will be issuing a

Final Rule on the exemptions elsewhere in the Federal Register

concurrent with the publishing of this updated System of Records

Notice. This updated system will be included in the Department of

Homeland Security's inventory of record systems.

DATES: Comments must be received on or before December 26, 2008.

ADDRESSES: You may submit comments, identified by docket number DHS-

2008-0136 by one of the following methods:

 Federal e-Rulemaking Portal: [http://www.regulations.gov](http://www.regulations.gov/).

Follow the instructions for submitting comments.

 Fax: 1-866-466-5370.

 Mail: Hugo Teufel III, Chief Privacy Officer, Privacy

Office, Department of Homeland Security, Washington, DC 20528.

 Instructions: All submissions received must include the

agency name and docket number for this rulemaking. All comments

received will be posted without change and may be read at [http://www.regulations.gov](http://www.regulations.gov/), including any personally identifiable information

provided.

 Docket: For access to the docket to read background

documents or comments received, go to [http://www.regulations.gov](http://www.regulations.gov/).

FOR FURTHER INFORMATION CONTACT: For general questions and privacy

issues please contact: Hugo Teufel III (703-235-0780), Chief Privacy

Officer, Privacy Office, Department of Homeland Security, Washington,

DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

 The Department of Homeland Security (DHS) is updating and reissuing

an agency-wide system of records under the Privacy Act (5 U.S.C. 552a)

for DHS general training records. This system collects and maintains

training records on current and former Departmental employees,

contractors, and other individuals.

 In accordance with the Privacy Act of 1974, DHS is giving notice

that it proposes to update one record system titled, DHS/ALL-003

Department of Homeland Security General Training Records (71 FR 26767

May 8, 2006). Categories of individuals have been updated to include

volunteers and contractors; other participants in training programs,

including instructors, course developers, observers, and interpreters;

categories of records have been updated to include more extensive

records for processing and tracking training activities; routine uses

have been updated to allow for the sharing of information for an audit

of the Department or it's components; to share with the supervisor of

those individuals seeking training as it relates to the individual's

fitness and qualifications for training and to provide training status;

and to allow for sharing in the event the Department has a possible

loss of personally identifiable information. Additionally, the

Department will be

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issuing a Final Rule on the exemptions elsewhere in the Federal

Register concurrent with the publishing of this updated System of

Records Notice. This updated system will be included in DHS's inventory

of record systems.

II. Privacy Act

 The Privacy Act embodies fair information principles in a statutory

framework governing the means by which the United States Government

collects, maintains, uses, and disseminates individuals' records. The

Privacy Act applies to information that is maintained in a ``system of

records.'' A ``system of records'' is a group of any records under the

control of an agency for which information is retrieved by the name of

an individual or by some identifying number, symbol, or other

identifying particular assigned to the individual. In the Privacy Act,

an individual is defined to encompass United States citizens and legal

permanent residents. As a matter of policy, DHS extends administrative

Privacy Act protections to all individuals where systems of records

maintain information on U.S. citizens, lawful permanent residents, and

visitors. Individuals may request access to their own records that are

maintained in a system of records in the possession or under the

control of DHS by complying with DHS Privacy Act regulations, 6 CFR

Part 5.

 The Privacy Act requires each agency to publish in the Federal

Register a description denoting the type and character of each system

of records that the agency maintains, and the routine uses that are

contained in each system in order to make agency record keeping

practices transparent, to notify individuals regarding the uses to

which their records are put, and to assist individuals to more easily

find such files within the agency. Below is the description of the DHS

Mailing and Other Lists System of Records.

 In accordance with 5 U.S.C. 552a(r), DHS has provided a report of

this updated system of records to the Office of Management and Budget

and to Congress.

SYSTEM OF RECORDS

 DHS/All-003.

System Name:

 Department of Homeland Security General Training Records.

Security Classification:

 Unclassified.

System Location:

 Records are maintained at several Headquarters locations and in

component offices of the Department of Homeland Security, in both

Washington, DC and field locations.

Authority for Maintenance of the System:

 The Homeland Security Act of 2002, Pub. L. 107-296, 6 U.S.C. 121;

Federal Records Act, 44 U.S.C. 3101; 6 CFR Part 5; 5 U.S.C. app. 3; 5

U.S.C. 301 and Ch. 41; Executive Order 11348, as amended by Executive

Order 12107; and Executive Order 9397 (SSN).

Categories of Individuals Covered by the System:

 Current and former employees of DHS, volunteers and contractors;

any individual who is or has been an employee of DHS and who has

applied for, participated in or assisted with a training program; any

other Federal employee or private individual, including contractors and

others, who has participated in or assisted with training programs

recommended, sponsored or operated by the Department of Homeland

Security; and other participants in training programs, including

instructors, course developers, observers, and interpreters.

Categories of Records in the System:

 The system includes all records pertaining to training, including:

 Individual's name;

 Date of birth;

 Social security number;

 Address;

 Phone numbers;

 Email addresses;

 Occupation;

 Nomination forms;

 Registration forms;

 Course rosters and sign-in sheets;

 Instructor lists;

 Schedules;

 Payment records, including financial, travel and related

expenditures;

 Examination and testing materials;

 Grades and student evaluations;

 Course and instructor critiques;

 Equipment issued to trainees and other training

participants; and other reports pertaining to training; and

 Individuals who apply for but are not accepted for

training.

Purpose:

 This record system will collect and document training given to DHS

employees, contractors, and others who are provided DHS training. This

system will provide DHS with a means to track the particular training

that is provided, identify training trends and needs, monitor and track

the expenditure of training and related travel funds, schedule training

classes and programs, schedule instructors, track training items issued

to students, assess the effectiveness of training, identify patterns,

respond to requests for information related to the training of DHS

personnel and other individuals, and facilitate the compilation of

statistical information about training.

Routine uses of records maintained in the system, including categories

of users and the purposes of such uses:

 In addition to those disclosures generally permitted under 5 U.S.C.

552a(b) of the Privacy Act, all or a portion of the records of

information contained in this system may be disclosed outside

Department of Homeland Security (DHS) as a routine use pursuant to 5

U.S.C. 552a(b)(3) as follows:

 A. To the Department of Justice or other Federal agency conducting

litigation or in proceedings before any court, adjudicative or

administrative body, when it is necessary to the litigation and one of

the following is a party to the litigation or has an interest in such

litigation:

 1. DHS or any component thereof;

 2. Any employee of DHS in his/her official capacity;

 3. Any employee of DHS in his/her individual capacity where DOJ or

DHS has agreed to represent the employee; or

 4. The United States or any agency thereof, is a party to the

litigation or has an interest in such litigation, and DHS determines

that the records are both relevant and necessary to the litigation and

the use of such records is compatible with the purpose for which DHS

collected the records.

 B. To a congressional office from the record of an individual in

response to an inquiry from that congressional office made at the

request of the individual to whom the record pertains.

 C. To the National Archives and Records Administration or other

Federal government agencies pursuant to records management inspections

being conducted under the authority of 44 U.S.C. 2904 and 2906.

 D. To an agency, organization, or individual for the purpose of

performing audit or oversight operations as authorized by law, but only

such information as is necessary and relevant to such audit or

oversight function.

 E. To appropriate agencies, entities, and persons when:

 1. DHS suspects or has confirmed that the security or

confidentiality of information in the system of records has been

compromised;

 2. The Department has determined that as a result of the suspected

or confirmed compromise there is a risk of harm to economic or property

interests,

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identity theft or fraud, or harm to the security or integrity of this

system or other systems or programs (whether maintained by DHS or

another agency or entity) or harm to the individual that rely upon the

compromised information; and

 3. The disclosure made to such agencies, entities, and persons is

reasonably necessary to assist in connection with DHS's efforts to

respond to the suspected or confirmed compromise and prevent, minimize,

or remedy such harm.

 F. To contractors and their agents, grantees, experts, consultants,

and others performing or working on a contract, service, grant,

cooperative agreement, or other assignment for DHS, when necessary to

accomplish an agency function related to this system of records.

Individuals provided information under this routine use are subject to

the same Privacy Act requirements and limitations on disclosure as are

applicable to DHS officers and employees.

 G. To an appropriate Federal, State, tribal, local, international,

or foreign law enforcement agency or other appropriate authority

charged with investigating or prosecuting a violation or enforcing or

implementing a law, rule, regulation, or order, where a record, either

on its face or in conjunction with other information, indicates a

violation or potential violation of law, which includes criminal,

civil, or regulatory violations and such disclosure is proper and

consistent with the official duties of the person making the

disclosure.

 H. To a Federal, State, tribal, local or foreign government agency

or professional licensing authority in response to its request, in

connection with the hiring or retention of an employee, the issuance of

a security clearance, the reporting of an investigation of an employee,

the letting of a contract, or the issuance or status of a license,

grant, or other benefit by the requesting entity, to the extent that

the information is relevant and necessary to the requesting entity's

decision on the matter.

 I. To educational institutions or training facilities for purposes

of enrollment and verification of employee attendance and performance.

 J. To the Equal Employment Opportunity Commission, Merit Systems

Protection Board, Office of the Special Counsel, Federal Labor

Relations Authority, or Office of Personnel Management or to

arbitrators and other parties responsible for processing any personnel

actions or conducting administrative hearings or appeals, or if needed

in the performance of authorized duties.

 K. To the Department of Justice or a consumer reporting agency for

further action on a delinquent debt when circumstances warrant.

 L. To employers to the extent necessary to obtain information

pertinent to the individual's fitness and qualifications for training

and to provide training status.

 M. To the news media and the public, with the approval of the Chief

Privacy Officer in consultation with counsel, when there exists a

legitimate public interest in the disclosure of the information or when

disclosure is necessary to preserve confidence in the integrity of DHS

or is necessary to demonstrate the accountability of DHS's officers,

employees, or individuals covered by the system, except to the extent

it is determined that release of the specific information in the

context of a particular case would constitute an unwarranted invasion

of personal privacy.

Disclosure to consumer reporting agencies:

 Yes.

Policies and Practices for Storing, Retrieving, Accessing, Retaining,

and Disposing of Records in the System:

Storage:

 Records in this system are stored electronically or on paper in

secure facilities in a locked drawer behind a locked door. The records

are stored on magnetic disc, tape, digital media, and CD-ROM.

Retrievability:

 Data may be retrieved by the individual's name, social security

number, or other personal identifier.

Safeguards:

 Records in this system are safeguarded in accordance with

applicable rules and policies, including all applicable DHS automated

systems security and access policies. Strict controls have been imposed

to minimize the risk of compromising the information that is being

stored. Access to the computer system containing the records in this

system is limited to those individuals who have a need to know the

information for the performance of their official duties and who have

appropriate clearances or permissions.

Retention and Disposal:

 Records are maintained and disposed in accordance with National

Archives and Records Administration General Records Schedule, No. 1.

System Manager(s) and Address:

 For Headquarters components of the Department of Homeland Security,

the System Manager is the Director of Departmental Disclosure,

Department of Homeland Security, Washington, DC 20528. For components

of the Department of Homeland Security, the System Manager can be found

at <http://www.dhs.gov/foia> under ``contacts.''

Notification Procedure:

 Individuals seeking notification of and access to any record

contained in this system of records, or seeking to contest its content,

may submit a request in writing to the component's FOIA Officer, whose

contact information can be found at <http://www.dhs.gov/foia> under

``contacts.'' If an individual believes more than one component

maintains Privacy Act records concerning him or her the individual may

submit the request to the Chief Privacy Officer, Department of Homeland

Security, 245 Murray Drive, SW., Building 410, STOP-0550, Washington,

DC 20528.

 When seeking records about yourself from this system of records or

any other Departmental system of records your request must conform with

the Privacy Act regulations set forth in 6 CFR Part 5. You must first

verify your identity, meaning that you must provide your full name,

current address and date and place of birth. You must sign your

request, and your signature must either be notarized or submitted under

28 U.S.C. 1746, a law that permits statements to be made under penalty

of perjury as a substitute for notarization. While no specific form is

required, you may obtain forms for this purpose from the Director,

Disclosure and FOIA, [http://www.dhs.gov](http://www.dhs.gov/) or 1-866-431-0486. In addition

you should provide the following:

 An explanation of why you believe the Department would

have information on you,

 Identify which component(s) of the Department you believe

may have the information about you,

 Specify when you believe the records would have been

created,

 Provide any other information that will help the FOIA

staff determine which DHS component agency may have responsive records,

 If your request is seeking records pertaining to another

living individual, you must include a statement from that individual

certifying his/her agreement for you to access his/her records.

 Without this bulleted information the component(s) will not be able

to conduct an effective search, and your

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request may be denied due to lack of specificity or lack of compliance

with applicable regulations.

Record Access Procedure:

 See ``Notification Procedure'' above.

Contesting Record Procedures:

 See ``Notification Procedure'' above.

Record source categories:

 Information originates within DHS and from the individual to whom

the record pertains.

Exemptions Claimed for the System:

 The Secretary of Homeland Security has exempted certain records in

this system on the basis of 5 U.S.C. 552a(k)(6) in order to preserve

the objectivity and fairness of testing and examination material.

 Dated: November 18, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

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